IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2758 OF 1984

National Textile Corporation
New Delhi Ltd and Anr. .....Plffs
vs.
M/s. Sardar Trader .....Defnds

Mr. D'souza i/b. M/s. Pandya and Poonawala for plffs.

Ms. Sheetal Ahwad i/b. Gagrat and Co. for defendants.

CORAM: S.U. KAMDAR, J.

DATE : 7TH JUNE, 2005.

P.C. :

1. The present suit has been filed by National Textile Corporation for recovery of sum of Rs.1,73,275 with interest on the principal amount of Rs.1,34,987.20% at the rate of 21% p.a. from the date of the suit till payment and or realisation. It is the case of the plaintiff that inrespect of a textile mill known as Kohinoor

Mills Ltd there was a transaction between the erstwhile Kohinoor Mills with the defendant. Inrespect of the said transactions for setting up of cloth mill the defendants are jointly liable to pay to the plaintiff a sum of Rs.96,448.36/- alongwith interest thereon at the rate of 21% p.a. The defendant though served has not filed the written statement. Learned counsel for the defendant states they seek discharge on behalf of the defendants. The defendants advocate is at liberty to obtain discharge from the office of the Prothonotary and Senior Master.

2. In view of non-filing of the written statement in the present case I pass the decree under order 8 Rule 90 for a sum of Rs.1,73,275.00 with further interest at the rate of 9% p.a. on the principal amount of Rs.1,34,987.20/- from the date of the filing of the suit till payment and or realisation. Suit is disposed off accordingly.

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